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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

APPEAL BRIEF FOR THE APPELLANT

In re Application of: Eaton et al.	Group Art Unit: 1646
Serial No.: 10/015,967	Examiner: Jiang, Dong
Filed: December 7, 2001	
For: Interleukin-8 Homologous Polypeptides and Uses Thereof	

See applied only

The Appellant believes that this brief is timely filed, with the attached one-month extension of time. A four-month extension of time was previously submitted with the Amendment filed February 15, 2005. Any fees required in filing this brief, including the fee for extension of time, can be deducted from deposit account No. 18-1260.

The following information and arguments are provided pursuant to 37 C.F.R. § 1.192(c)

(1) Real Party in Interest

The real party in interest in the appeal is:

Genentech, Inc.

1 DNA Way

South San Francisco, CA 94080

(2) Related Appeals and Interferences

The appellant is not aware of any appeals or interferences that will directly affect or will be directly affected by or have a bearing on the Board's decision in this appeal.

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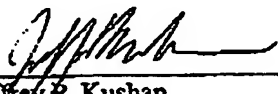
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In view of the points made above regarding the Lal reference, Appellant believes that the pending claims are in condition for allowance and should be passed to issue. Accordingly, Appellant respectfully requests the Office to reverse the rejections of record.

Respectfully submitted,
GENENTECH, INC.

Date: March 18, 2005

By:


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